

Attachment B—Schedule of Documents

Doc No	Date	Description of Document	Decision	Exemptions
1	Unknown	Terms of Reference—Investigation into Alleged Breach of the Indigenous Land Corporation's Code of Conduct	Exempt in part	ss 47E(c) and 47F
2	12 July 2013	Record of interview between Alan Sing and Reginald Foster at the Treasury Building, King William Street, Adelaide Commencing 12 July 2013	Exempt in full	ss 45, 47F and 47E(c)
3	18 July 2013	Record of interview between Alan Sing and Gregory Trengrove at the Treasury Building, King William Street, Adelaide on 18 July 2013	Exempt in full	ss 45, 47F and 47E(c)
4	14 August 2013	Review of Workplace Bullying and Harassment Policy for the Indigenous Land Corporation—Final Report	Exempt in full	ss 47C, 45, 47F and 47E(c)
5	14 August 2013	Investigation of Complaint of Bullying and Harassment for the Indigenous Land Corporation	Exempt in full	ss 47C, 45, 47F and 47E(c)
6	13 August 2013	Investigation of Complaint of Bullying and Harassment for the Indigenous Land Corporation	Exempt in full	ss 47C, 45, 47F and 47E(c)
7	Unknown	Written statements of Gregory Trengrove to Alan Sing	Exempt in full	ss 45, 47F and 47E(c)

Terms of Reference

Investigation into an Alleged Breach of the Indigenous Land Corporation's

Code of Conduct

Investigation 1

The Service Provider shall carry out an investigation into 3 complaints from 5 employees, concerning the behaviour of its

The complaint pertains to the possible bullying and harassing behaviour by towards CDO and other employees in the Adelaide Office. More specifically, it has been alleged on multiple occasions that

- has spoken in an aggressive and threatening manner to a point whereby he has 'lost his temper' over work related matters;
- used demeaning and denigrating language towards CDO and other Adelaide Office employees; and
- has used language and terminology concerning Indigenous communities in front of our Indigenous employees that has been deemed by them to be inappropriate and culturally insensitive.

Investigation 2

The Service Provider shall carry out a second investigation into a complaint made by into the behaviour of and his lack of respect toward his Immediate Manager . It has been alleged that ' during the course of a meeting and in the presence of other employees made an assertion to , that "he was not an honest person" has in the past been concerned with the manner in which responded to or dealt with as his immediate Manager, has previously written to about these concerns [attach copy of letter dated 22 March 2013].

The ILC is concerned that the behaviour of may constitute a breach of the *ILC Values and Code of Conduct* and/or the *ILC Bullying and Harassment Policy* [copies attached].

The ILC takes such complaints seriously and in accordance with its Enterprise Agreement and relevant Codes and Policies will at all times respond swiftly to address such concerns.

The Investigator in undertaking these investigations will have regard to the:

1. ILC Values and Code of Conduct;
2. ILC Bullying and Harassment Policy;
3. ILC Enterprise Agreement 2011/2014 (specifically clause 14); and
4. any other relevant Commonwealth and State legislation and WHS guidelines to determine if a breach of the relevant ILC Codes and Policies has occurred.

While the Service Provider shall exercise their own discretion and expertise to determine the most appropriate methodology to carry out the investigation, that methodology shall include the following basic elements:

- an analysis of all relevant written materials, produced to date including the complainant's documented allegations and any documented responses prepared by other relevant ILC officers;
- such interviews with relevant ILC officers or other employees as the Service Provider considers appropriate but including an offer to interview the complainant within a given time frame;
- an offer to the complainants to make written representations about the matter to the Service Provider within a given time frame; and

While the Services shall be carried out on a confidential basis, the ILC acknowledges that it will be necessary for the Service Provider to disclose to relevant ILC Officers the purpose of particular interviews.

The Service Provider shall prepare draft reports for Investigation 1 and Investigation 2 against the allegations, setting out:

- an analysis of the background and factual circumstances of the matter; and where there are conflicting statements about those factual circumstances, an opinion (if appropriate) as to which version may have greater credibility;
- comment on the appropriateness or otherwise of the conduct of any relevant ILC officers and/or employees arising from the matter;
- whether any conduct of ILC officers and/or employees could credibly be described against the allegations or as otherwise inappropriate in any way or in breach of the ILC's relevant Policies and Codes;
- the conclusions in the matter;
- any recommended sanctions that might arise from such conclusions; and

The Service Provider shall also examine the ILC Workplace Bullying and Harassment Policy and make recommendations about how the ILC might better manage similar matters in the future.

The draft report is to be provided the Manager Human Resources for his consideration.

The Service Provider shall have appropriate regard to the comments of the Manager Human Resources but shall have no obligation to amend the draft report in any way to accord with any such comment if the Service Provider, in its complete and unfettered discretion, does not accept such comment.

The Service Provider shall provide the final report to the Manager Human Resources. The final report shall deal with the matters set out in the draft report and also include an executive summary.

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WORKPLACE BULLYING AND HARASSMENT POLICY

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1. WORKPLACE BULLYING AND HARASSMENT - OVERVIEW

The ILC provides a workplace that is safe, healthy and competent. As part of this objective, the ILC will not tolerate ILC staff being subjected to inappropriate workplace conduct in the nature of bullying or harassment.

The ILC recognises the detrimental effects that arise from workplace bullying or harassment including:

- Physical or mental injury that can be caused to staff;
- Adverse consequences for staff morale and the efficacy of the ILC's delivery of its programs for the benefit of Indigenous Australians.

The ILC has mechanisms in place to detect instances of workplace bullying or harassment and will take appropriate measures to act upon concerns if they arise.

This document explains why workplace bullying and harassment breach the law, discusses behaviour which might constitute bullying and harassment, and that which does not, and the steps ILC staff can take to address any concerns.

2. APPLICABLE LAWS

2.1 LEGISLATION AND COMMON LAW

There are two main legislative regimes that prohibit workplace bullying and harassment.

WHS Laws

The first is the Work Health and Safety (WHS) regime. The WHS regime is imposed by Commonwealth laws and obliges employers to ensure they provide a workplace that is both safe and healthy for employees.

If bullying or harassment occurs in a workplace, an employee will be in breach of the relevant WHS laws.

Criminal Law

In extreme cases, where bullying and harassment is intentional and calculated to cause either injury (either physical or mental) or the apprehension of injury, then those persons carrying out such conduct may be criminally liable and prosecuted by the relevant authorities.

There are two main common law¹ regimes that prohibit workplace bullying and harassment.

Laws of Negligence

Under the laws of negligence if someone carries out inappropriate conduct that a reasonable person would know would cause injury to another, a liability may arise for damages to that other person. Under this regime, a person who bullies or harasses another or that person's employer may be liable for significant civil damages.

Employment Law

In an employment relationship an employer and the employee owe each other a general duty of good faith and mutual trust. An employee who knowingly bullies or harasses an employee in the workplace or knowingly permits such conduct to continue, may be in breach of this obligation and liable for significant civil damages.

2.2 ILC VALUES AND CODE OF CONDUCT

The ILC has an Enterprise Agreement in place that governs the employment relationship between the ILC and its staff. Many of those provisions deal with the corporate culture the ILC expects to engender in the workplace. Both the ILC Values and an ILC Code of Conduct are included in the Enterprise Agreement. These can be found at Clauses 2 and 13 respectively, with Clause 2a specifically stating that *"We will provide a workplace that is free from discrimination, harassment and bullying."*

Any instances of bullying or harassment would be in breach of the ILC Values and the Code of Conduct. Such breaches would warrant disciplinary action if proven.

Similarly, fraudulent or vexatious claims of bullying or harassment would also be a breach of ILC Values and the Code of Conduct and would warrant similar consequences.

3. WHAT IS BULLYING AND HARASSMENT?

3.1 DESCRIPTION

Introduction

Bullying and harassment are not terms of art or technical terms.

All staff should understand their plain English meaning. However, there can be misunderstandings as to what the terms mean and accordingly, the following non-exhaustive definitions are provided.

Bullying

Bullying is generally conduct of an intimidatory nature and that intimidation may be physical or mental. It is conduct directed to an employee (or a group of employees) that is generally repeated and systematic and that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the employee (or group of employees) to whom the behaviour is directed and that creates a risk to health or safety.

Harassment

Harassment is generally conduct that is inappropriate, unsolicited, unwelcome, usually unreciprocated and usually (but not always) repeated.

Examples of Bullying

Examples of bullying include:

- use of foul language towards employees;
- treating employees in a derogatory manner;
- threatening employees with unjustified action such as denials of promotion or dismissal;
- reducing employees to tears;
- Routinely insulting, humiliating or demeaning employees (eg shouting, etc)
- Demanding that employees work in conditions of danger;
- Give unpleasant tasks which are also unnecessary tasks.

These examples are by no means a complete list but are illustrative of the type of conduct which the ILC considers inappropriate in the workplace.

Example of Harassment

Examples of harassment include:

- unnecessary physical contact;
- unwelcome sexual advances;
- Inappropriate or unjustified comments about a person's performance in the workplace;
- Inappropriate jokes or innuendos;
- Openly displayed pictures, posters, or graffiti etc designed or likely to offend;
- Stalking.

Again, these examples are by no means a complete list but are illustrative of the types of conduct which the ILC considers inappropriate in the workplace.

Intention

The intention of the perpetrator may be relevant but not determinative of whether bullying and harassment has occurred. Usually the person will have intended to bully or harass.

However, sometimes a colleague might legitimately feel either bullied or harassed even though the perpetrator had no intention to do so and does not recognise the inappropriate effect of their conduct.

Reasonable Reaction

The reasonableness of the reaction of the "victim" is also a relevant issue. If a person knows a person to be particularly sensitive to an issue and deliberately provokes that sensitivity, then that may amount to bullying and harassment even though a person without such sensitivities may not be offended.

However, if the person's reaction is both unexpected and unreasonable because that person is unusually sensitive; then it may be that the relevant conduct amount to reasonable administrative action and not bullying or harassment (see further discussion below).

**Third Party
Bullying or
Harassment**

Bullying and harassment can be carried out by colleagues but equally can be carried out by non-employees; such as third party contractors or clients. In those circumstances, the ILC is concerned to prevent such conduct, and employees should bring such conduct to the attention of their Managers who should deal with that third party.

**Non-Manager
Harassment**

The archetypical form of bullying or harassment is that which is carried out by some person in authority; but equally it can be carried out by colleagues at the same level; or sometimes colleagues who are being managed by the victim.

4. WHAT IS NOT BULLYING OR HARASSMENT?

4.1 PROPER MANAGEMENT

Sometimes when people are unhappy with their job, they do not properly analyse the nature of their unhappiness. In these circumstances, a person might think their unhappiness is attributable to a particular practice which they consider to be bullying or harassment but which in fact is reasonable management action.

It is absolutely important that people understand not only what is bullying and harassment but also what is not.

Legitimate management is a good thing for the ILC. Reasonable management action or reasonable administrative action may from time to time cause individuals unhappiness or even stress. However, such actions do not amount to bullying or harassment. This is a critical distinction that people must consider before they make a claim that they have been bullied or harassed or witnessed bullying or harassment

Justice Finn of the Federal Court of Australia explained:

“It is not workplace harassment for Managers to manage.”

4.2 EXAMPLES

**Examples of
what is not
Bullying or
Harassment**

The following are some examples of legitimate management action which have been mistaken for bullying or harassment:

- Legitimate comment on work performance (by an appropriate person such as the person's supervisor or Manager);
- Constructive counselling and advice;
- Addressing underperformance;
- Appropriate disciplinary action;
- Requiring high (but not unrealistic) standards in work performance.

5. MECHANISMS TO ADDRESS BULLYING OR HARASSMENT

5.1 OVERVIEW

If an ILC employee considers they have been the recipient of bullying or harassment or has witnessed colleagues being bullied or harassed, the ILC encourages you to take one or more of the following steps:

- | | |
|--|--|
| Raise it with the Person Concerned | <p>This course will only be appropriate if you feel comfortable doing so. This might be the case where it was a one-off isolated incident and you are confident you can raise it with the person directly without the matter escalating. This may be appropriate where the person did not intend to bully or harass and they are likely to quickly correct their behavior if it is informally brought to their attention.</p> <p>You should not take this course if you feel at all uncomfortable with it.</p> |
| Raise it with your CMT Manager | <p>This course will be appropriate if the person doing the bullying or harassment is someone other than your CMT Manager. Your CMT Manager will have the ability to either address the issue or take it to another responsible ILC Manager to consider how best to address the issue.</p> |
| Raise it with the ILC Harassment Contact Officers | <p>The ILC has staff members who are specifically trained and occupy positions as Workplace Harassment Contact Officers. These positions are the ILC's most specific mechanism to deal at first instance with bullying and harassment issues. Such persons will be able to discuss your circumstances and concerns and advise you whether the circumstances may amount to bullying or harassment; and what steps to take next.</p> <p>The positions are national positions and are listed on the ILC Intranet.</p> |
| Raise it with the Manager Human Resources | <p>The ILC Manager Human Resources will have the ability to either address the issue or take it to another responsible ILC Manager. The Human Resources section also has staff skilled and knowledgeable in this area and can assist with your concerns. Again relevant staff will be able to discuss your circumstances and concerns and advise you whether the circumstances may amount to bullying or harassment; and the steps to take next.</p> |
| Raise it with your Union Delegate/Union | <p>Each ILC workplace has a staff member who acts as Union Delegate. You can raise your concerns with the Union Delegate and they will be able to provide informal advice as to the content of your concerns and whether they consider further formal steps to be appropriate.</p> <p>You may also seek assistance directly from the Union (being the CPSU). The level of CPSU assistance may depend on whether or not you are a member of the Union.</p> |

Raise it with the
Chief Executive
Officer

Clause 16 of the Enterprise Agreement permits ILC staff who is aggrieved by a decision or action to raise their concern directly with the Chief Executive Officer.

This course should be used sparingly and usually only if the other steps outlined above have not seen your concerns satisfactorily addressed, or if the allegation relates to a member of the Corporate Management Team (CMT).

In the event that the concern relates to bullying or harassment by the Chief Executive Officer, the concerned person should raise the matter with the Manager Human Resources who will consider the matter the appropriateness of raising the concerns with the ILC Chairperson for further action.

5.2 THE ILC RESPONSE

The ILC will respond quickly to address any concerns regarding bullying or harassment.

In some cases, informal counselling may be appropriate. In other cases, formal warning or other disciplinary measures may be appropriate. Such disciplinary steps may include a range of measures and in more serious cases, may include termination of employment.

Because the factual circumstances of an incident may be complex and/or in dispute and because bullying and harassment may depend on issues of intent and reasonableness, it may not be a simple matter to determine if bullying or harassment has occurred. In such circumstances, an investigation may be warranted.

The Chief Executive Officer may initiate such an investigation. If the investigation is framed in terms of a breach of the ILC Code of Conduct then the investigation shall be carried out in accordance with Clause 14 of the Enterprise Agreement.

The investigation will normally be carried out by a senior ILC staff member but may also in some circumstances, where appropriate, be carried out by an external investigator. That person will investigate all the circumstances of the allegation and accord all relevant persons procedural fairness by providing them with an opportunity to put their case.

Recommendations can then be made and put to the relevant delegate who may include a recommendation as to sanction in the event that the allegation is found to be proved on the balance of probabilities. The delegate will then finalise a report to the Chief Executive Officer who will make a final determination as to any appropriate sanction.

See discussion below for circumstances where the allegation is found to be not proved.

6. UNFOUNDED CLAIMS

6.1 OVERVIEW

Where a claim is found to be either unproved or without foundation, then it will be important for the ILC to consider the circumstances of the allegation and whether it was made in good faith. If it was made in good faith, then the finding will be explained to all relevant parties and that will conclude the matter.

However, if it is found that the allegation was not made in good faith, was made vexatiously or fraudulently or was made to serve inappropriate agendas, then the allegation may itself amount to a breach of ILC Values and the ILC Code of Conduct.

6.2 BONA FIDE CLAIMS

Sometimes people can have concerns in good faith about bullying or harassment which after investigation might prove to be misconceived.

There is some scope for people to misinterpret reasonable administrative action by their Manager as bullying or harassment. Staff might have genuine concerns about whether conduct constitutes bullying or harassment or is in fact reasonable administrative action. In these circumstances, such staff members should raise their concerns in accordance with one of the appropriate options outlined above in section 5.1.

If the relevant action is found to be reasonable administrative action and the proper exercise of managerial oversight, then this will be carefully explained to the person raising the concerns. However, given that the allegation was raised in good faith albeit misconceived, no further consequences shall arise for the person raising the concern.

In other circumstances, staff members may witness an apparent case of bullying or harassment by others of others and raise this in accordance with one of the appropriate options outlined above in section 5.1. Again, it might be that the person raising the concerns has misinterpreted what they have observed. Again, given that the allegation was raised in good faith albeit misconceived, no further consequences shall arise for the person raising the concern.

6.3 VEXATIOUS OR FRAUDULENT CLAIMS

If an ILC staff member raises a vexatious or fraudulent claim of bullying or harassment, then the ILC would consider that to be a serious breach of the ILC Value and the ILC Code of Conduct and take appropriate action.

While such vexatious or fraudulent claims are rare, they can arise from time to time where the person making the claim wishes to serve another agenda. Sometimes, such claims might be raised in the context of a Manager legitimately seeking to address underperformance issues. They might also be raised by persons seeking to change to another position within the workforce.

The consequences of making a claim of bullying or harassment not in good faith will be serious and could include termination of employment.

7. CONCLUSION

The ILC will not tolerate bullying or harassment in the workplace and has active mechanisms and structures in place to prevent it, detect it and address it where it has occurred.

Any staff member with bona fide concerns that they have been subjected to workplace bullying or harassment or have witnessed workplace bullying or harassment, should immediately raise their concerns in the manner set out in this policy.

The consequences of workplace bullying or harassment are serious both for the ILC and the individuals involved. There can be significant legal consequences under both the civil law and criminal law. In addition to legal consequences, bullying or harassment can have:

- Serious and possibly long term impacts upon the victim;
- Severely detrimental effects of the efficiency and morale of a workplace; especially in relatively small workplaces like the ILC offices.

Bullying and harassment are clear breaches of ILC Values and the ILC Code of Conduct.

Further, vexatious and fraudulent claims of bullying or harassment can have equally serious consequences and will also constitute a clear breach of ILC Values and the ILC Code of Conduct.

The ILC intends all its staff to work in a workplace that is safe healthy and competent and bullying or harassment plays no part in such a workplace environment.

Approved:

Chief Executive Officer

Date:

August 2010

Content Manager:

**Manager Human
Resources**

Date:

August 2010

Version Control:

Version 1.0

Next Review Date:

August 2013

Extracts from the ILC Enterprise Agreement 2011-2014

2. ILC VALUES

- a. Commitment: The General Manager and employees will uphold and promote the ILC Values.

Respect	<p>We respect the diversity of ideas, backgrounds and cultures of Indigenous peoples, our staff and other stakeholders.</p> <p>We will provide a workplace that is free from discrimination, harassment and bullying.</p>
Excellence	<p>We will provide leadership of the highest quality.</p> <p>We strive for excellence in the delivery of services and outcomes to our stakeholders.</p>
Commitment	<p>We are committed to working together to achieve the ILC's vision and meet statutory obligations.</p> <p>We will provide a fair, flexible, safe and rewarding workplace that is focused on achieving results and managing performance.</p>
Integrity, Fairness and Equity	<p>We will strive to make decisions objectively and ethically and provide a fair system of review of decisions taken in respect of ILC employees.</p> <p>We will provide accurate, consistent and timely information, and give reasons for our decisions.</p> <p>We are an organisation in which employment decisions are based on merit.</p> <p>We will promote equity in employment in conjunction with a framework of encouraging the recruitment, development and retention of Indigenous employees.</p>
Cost Effectiveness	<p>We are committed to using funds wisely and accountably.</p>
Professionalism & Openness	<p>We strive to be professional, responsive, impartial and honest in our dealings with staff and stakeholders. We take suggestions and complaints seriously and learn from them.</p>
Collaboration	<p>We will establish workplace relations that value communication, consultation, cooperation and input from employees on matters that affect their workplace.</p> <p>We are committed to working in collaboration with Indigenous groups and other stakeholders.</p>
Best Practice	<p>We will adhere to the Australian National Audit Office principles of corporate governance in Commonwealth authorities.</p>

13 CODE OF CONDUCT

- b. Responsibility: It is the responsibility of all employees not only to behave in such a way that upholds the ILC Code of Conduct, but to assist and support their colleagues to uphold the Code of Conduct.
- b. For the avoidance of doubt, the phrase "acting in the course of employment" as used in this Code of Conduct includes the conduct of employees:
 - i. at all times while they are present on premises owned or occupied by the ILC; or
 - ii. which is otherwise connected to their employment or where such a connection may be reasonably inferred or perceived.
- c. Commitment: The parties agree to uphold and promote the ILC Code of Conduct:

Honesty and Integrity An employee must behave honestly and with integrity in the course of their employment.

Care and Diligence in the Course of Employment

- 1.1 An employee must act with care and diligence in the course of their employment.
- 1.2 An employee must comply with any lawful and reasonable direction given by someone in the ILC who has authority to give the direction.

Respect and Courtesy An employee, when acting in the course of employment, must treat everyone with respect and courtesy, and without harassment.

Operate in a Lawful Manner

- 1.3 An employee, when acting in the course of employment, must comply with all applicable Australian laws. For this purpose, Australian law means:
 - a. any Commonwealth Act or any instrument made under a Commonwealth Act; and/or
 - b. any law of a State or Territory, including any instrument made under such a law.

1.4 Commercial in Confidence 1.5 An employee must maintain appropriate confidentiality with respect to ILC and Clients' confidential information.

Conflict of Interest An employee must disclose, and take reasonable steps to avoid, any conflict of interest (actual or apparent) in connection with their employment.

Proper Use of Resources An employee must use ILC resources in a proper manner.

False or Misleading Information An employee must not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's employment.

Inside Information An employee must not make improper use of inside information, or their duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for themselves or any other person.

Appropriate Behaviour

- 1.6 An employee must at all times behave in a way that upholds the Values and the integrity and good reputation of the ILC; and

An employee on duty overseas must at all times behave in a way that upholds the good reputation of Australia.

14 BREACHES OF ILC VALUES AND CODE OF CONDUCT

- a. An allegation may be made against an employee whose conduct does not comply with the ILC Values and Code of Conduct. The allegation may be made by an ILC manager or employee or may be received from parties external to the ILC.
- b. The ILC will initially examine an allegation informally to determine if it appears to have merit and whether formal procedures are warranted. Not all allegations will necessarily result in formal action as it may be appropriate in some circumstances to provide:
 - i. Informal counselling and/or warning;
 - ii. specific training/development; and/or
 - iii. a variation in duties.
- c. If the General Manager decides that a formal investigation is warranted he or she may appoint:
 - i. An Investigator to conduct an investigation into the allegation(s) to determine which of the ILC Values or Code of Conduct has been breached, if the breach is proven and, if so, recommend an appropriate sanction; and
 - ii. A Delegate to determine whether the recommended sanction is appropriate given the circumstances of the allegation, the employee's response, and the findings of the investigation.
- d. An employee will be notified of the allegations and/or any investigations in writing except in circumstances where such a notification might prejudice an investigation.
- e. An investigation will deal with the facts and seek to verify any information/evidence provided to them. Where this leads to more information/evidence related to the allegation, this will also be reviewed.
- f. The Investigator will consider all relevant aspects of the allegations in a thorough, impartial and expeditious manner. All ILC employees, including the employee about whom the allegations have been made, must provide such cooperation to the Investigator as he or she reasonably requires.
- g. As part of the investigation, the employee about whom the allegation has been made has the right to make a statement in regard to the allegation. The statement from the employee and any further information/evidence that comes forward from the initial allegation and investigation will be considered by the Investigator prior to reaching any conclusion and providing recommendations to the Delegate.
- h. Depending on the circumstances, the General Manager may decide to temporarily remove an employee about whom an allegation has been made from their assigned duties for the period of the investigation.
- i. In some circumstances it may be necessary to suspend an employee from duty while an investigation takes place. The terms of suspension can be paid or unpaid at the discretion of the General Manager and will generally be suspension with pay until an investigation is completed. The term of suspension, will not exceed 14 calendar days without being reviewed by the General Manager. Subsequent reviews by the General Manager will be held every seven days until a determination is made about the matter.

- j. At the conclusion of the investigation, the Investigator will inform the employee in writing of the investigation's conclusions and the sanctions, if any that have been recommended to the Delegate and provide a written report to the Delegate.
- k. Unless the investigation clearly shows the allegation to be unfounded, the Delegate will not make any decision until at least seven calendar days from the date the employee was notified of the alleged breach. Where the Delegate considers that allegations are unfounded, the employee will be notified by the Delegate immediately.
- l. Where the Delegate determines that a breach has been found, the Delegate will prepare a written report to the General Manager setting out the findings of fact and recommended sanctions. Sanctions may include one or more of the following:
 - i. formal reprimand and/or warning;
 - ii. suspension from duty;
 - iii. remedial action to restore any financial or other loss;
 - iv. re-assignment of duties;
 - v. imposing conditions on further employment;
 - vi. reduction in classification; and/or
 - vii. termination of employment.
- m. The employee will have the right to seek a review of the Delegate's decision within seven calendar days of being informed in writing of the recommendation. The request for a review by an employee must be made in writing to the General Manager describing the reasons why the employee is requesting a review.
- n. In the event that the employee does not seek a review as provided for in the above paragraph, then the General Manager's role will be to determine an appropriate sanction in light of the Delegate's findings of fact and having regard to (but not be bound by) the delegate recommendations regarding sanctions.
- o. If the employee requests a review, the General Manager must consider that request:
 - i. having regard to the Investigator's report; and/or
 - ii. making such other enquiries as the General Manager considers appropriate,and then make a determination as to findings of fact and an appropriate sanction. The decision of the General Manager shall be final.
- p. The General Manager must advise the employee in writing of the outcome of the review.